

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-49 are pending; Claims 1-25 are presently active, Claims 1-5, and 18 are amended; Claims 35-49 are newly added; and no claims are canceled herewith. It is respectfully submitted that no new matter is entered by this amendment.

In the outstanding Office Action, Claims 1-25 were rejected under 35 U.S.C. § 101; Claims 1-25 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-25 were rejected under 35 U.S.C. § 102(b) as anticipated by Peterson et al. (U.S. Pat. No. 6,234,522, hereafter Peterson).

At the outset, Applicants thank Examiner Fischer for the interview granted Applicants' representative on August 12, 2005. During the interview, the outstanding rejections were discussed with regard to Peterson and 35 U.S.C. § 101.

As discussed during the interview, the outstanding rejection of Claims 1-25 under 35 U.S.C. § 101 is respectfully traversed.

MPEP § 2106 provides that:

Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is directed solely to an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitations to a practical application in a technological art should it be rejected under 35 U.S.C. § 101.... Further, when such rejection is made, office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

The outstanding rejection merely includes the conclusory statement "Claims 1-25 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter."¹ Thus, Applicants respectfully submit that no express statement has been

¹ See, Office Action, page 4.

provided as to how the language of the claims has been interpreted to support the 35 U.S.C. § 101 rejection. Accordingly, the outstanding Office Action has violated the guidelines set forth in MPEP § 2106.

Nonetheless, to advance prosecution as discussed at the interview, the Applicants have amended Claims 1 and 18 to recite “communicating via a computer.” Thus, it is respectfully submitted that this rejection should be withdrawn.

However, should such a rejection be maintained in a subsequent communication with respect to any of the aforementioned claims, Applicants respectfully request the Examiner to provide an express statement on the record in accordance with MPEP § 2106 to explain how the claim terminology is interpreted. More specifically, Applicants respectfully request an explanation of how such limitations are deficient to define a practical application in the technological arts of a useful, concrete, and tangible result. *See State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1374 (Fed. Cir. 1998).

With regard to the outstanding rejection of Claims 1-25 under 35 U.S.C. § 112, second paragraph, that rejection is also respectfully traversed.

To the extent that the 35 U.S.C. § 112, second paragraph rejection was based upon the 35 U.S.C. § 101 rejection set forth above, that rejection should be withdrawn for the reasons explained above.

With respect to the phrase “operation history information,” it is respectfully submitted that this limitation is definite, and supported by the specification at page 31. It is therefore respectfully requested that this rejection be withdrawn.

With respect to the rejection of Claims 1-25 under 35 U.S.C. § 102(b) as anticipated by Peterson, that rejection is respectfully traversed.

In the past, the 4-slice type detectors were mounted in x-ray CT devices. Through a 4-slice detector, four images may be obtained from a single rotation of the detector. Based on

medical advances, it is anticipated that 8-slice and 16-slice CT devices will come into widespread use. Because CT devices are very expensive, it is costly for the manufacturer and the hospital to dispose of an undesired detector unit. Additionally, because detector units are costly and laborious to manufacture, it is difficult to rapidly provide detectors to hospitals as the need arises.²

In light of these difficulties, the Applicants developed the present invention, which is directed to a system that enables the exchange of units (such as CT detector units) of medical devices between users. To this end, Claim 1 recites that the first apparatus and the second apparatus are medical equipment.³

Peterson relates to an electronic information network for inventory control and transfer. Peterson describes that a manufacturer may monitor information about various vendors' inventories. This enables the manufacturer to more efficiently plan shipping of the item to those areas where supplies are low and demand is high, according to Peterson.⁴

However, Peterson does not disclose or suggest that the inventory relates to medical devices. Peterson certainly fails to disclose or suggest exchanging parts of different medical devices between users of the system.

Accordingly, as Peterson fails to disclose or suggest the features of independent Claim 1, it is respectfully submitted that Claims 1-17 patentably distinguish over Peterson.

With respect to Claim 18, Claim 18 recites "a step of communicating via a computer, from said user to said unit provider and manager, whether said user wishes a new unit or a secondhand unit for the target replacement unit."

² Specification, pages 2-5.

³ Support for this amendment may be found, at least, in the specification at page 16. Accordingly, it is respectfully submitted that no new matter is added by this amendment.

⁴ Peterson, col. 4, lines 27-32.

This feature is not disclosed or suggested in Peterson, and the outstanding Office Action fails to cite to any specific teachings in Peterson to support the assertion that Claim 18 is anticipated by Peterson.

Thus as Peterson fails to disclose or suggest the features of independent Claim 18, it is respectfully submitted that Claims 18-25 patentably distinguish over Peterson.

Because Peterson fails to disclose or suggest the features of Claims 1 and 18, from which Claims 2-17 and 19-25 respectively depend, it is respectfully requested that the outstanding rejection of Claims 1-25 under 35 U.S.C. § 102(b) be withdrawn.

Newly added Claim 35 recites subject matter previously disclosed in the specification, for example, at pages 22-23. Because Claim 35 depends from allowable Claim 1 and recites features not disclosed or suggested by Peterson, it is respectfully submitted that Claim 35 is also in condition for allowance. Newly added Claims 36-49 also recite features previously disclosed in the specification. Claims 36-49 are believed to patentably distinguish over the applied reference, as these claims also recite to medical equipment.

Applicants respectfully request acknowledgment of reference AW previously cited by the Applicants on September 24, 2003. Copies of the papers filed including the International Search Report are enclosed herewith for the Examiner's consideration.

Additionally, the specification has been amended herewith to correct a typographical error, without adding new matter.

Application No. 10/668,315
Reply to Office Action of May 5, 2005

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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